MONTANA LEGISLATIVE HISTORY

Chapter 84 19 65

Bill H _____ S 124 Original bill & history ____C

H. Committee on Labor & Compensation

Hearing Date(s) Feb 12 ✓C

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Date Out Feb 12 ✓C

S. Committee on Commerce & Labor

Hearing Date(s) _____ ____C

No minutes were recorded for this committee.

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

February 17, 1965

LABOR AND COMPENSATION COMMITTEE MINUTES

A meeting of the Labor and Compensation Committee was held in committee room 417, Wednesday, February 17th after recess. All members were present with the exception of Boughton, Delano and MacCalman. Chairman Lombardi presided.

SB 77 was the first bill to be discussed. Proponents present in support of the bill were Joe Crosswhite, President Montana AFL-CIO; and George Kalafatich, representing State Mine-Mill legislative committee.

Lewis Brown, representing Anaconda Co. was present. He said he was not an opponent to SB 77, but suggested the following amendment: delete "or order payments to be made" on line 14, page 2 of printed bill; and strike last sentence starting with line 25 "In addition" through line 28, page 2 of printed bill.

SB 78 was the next bill open for discussion. Proponents present in support of the bill were Joe Crosswhite and George Kalafatich. No opponents were present.

James S. Ulmer, executive secretary AFL-CIO and George Kalafatich spoke in support of SB 94. No opponents. No questions.

Joe Crosswhite and George Kalafatich spoke in support of SB 124. No opponents. No questions.

Rep. Gilligan, Cascade Co., spoke to the committee about SB 139. Said it was a companion to a house bill he had introduced which was now in Senate. There were no opponents to the bill.

George Kalafatich, representing most of the miners and smeltermen in the State of Montana, spoke in support of HB 146. Joe Crosswhite also was present in support of SB 146. There were no opponents.

George Kalafatich and Joe Crosswhite also spoke in support of SB 187. There were no opponents.

SB 98 was the next bill open for discussion. There were no proponents present to support the bill. Lewis Brown, representing the Anaconda Co. appeared in opposition to the bill. Said it was discriminatory. Rep. Ulmer, Custer Co., said that he had been in support of this bill until the amendments were added - now he opposes the bill.

Albert Root, representing Montana AFL-CIO, said his group had no objects to SJR 7, but they think it should be amended to read "study all" laws, not just Wyoming laws.

After question time and discussion, proponents and opponents of all bills and resolution were excused.

Mather moved SB 77 be amended "and as amended Be Concurred in". Motion seconded and carried. Mather was appointed to carry the bill on the floor.

Motion made, seconded and carried that SB 78 "Be Concurred In." East was appointed to carry the bill on the floor.

Motion made, seconded and carried that SB 94 "Be Concurred In." Mather was appointed to carry the bill on the floor.

Motion made, seconded and carried that SB 98 "Be Not Concurred In."

Motion made, seconded and carried that SB 124 "Be Concurred In." Gerke was appointed to carry the bill on the floor.

It was the unanimous decision of the Committee to hold SB 139 until outcome was known of companion bill HB 313.

Motion made, seconded and carried that SB 146 "Be Concurred In." Atkins was appointed to carry the bill on the floor.

Motion made, seconded and carried that SB 187 "Be Concurred In." Atkins appointed to carry the bill on the floor.

Committee decided to hold SJR 7 for more investigation on amendments. Motion was made to that effect, but not seconded or carried.

Sub-motion made, seconded and carried that SJR 7 "Be Not Concurred In."

There being no further business, motion was made, seconded and carried to adjourn.

Sue Coburn, Secty.

ber of mills on the dollar levied for all purposes in the preceding three (3) fiscal years upon the assessed value of all the taxable property in such cities and towns, for all municiple purposes in lieu of the multiple levies now authorized by statute.

Allocaton of all-purpose levy to several departments.

Section 3. In the event the all purpose levy method, provided for in Section 2 of this act, is followed in municipal financing, any municipality following it shall allocate the levy on a mill basis to the several departments of the municipality in its annual budget and appropriation ordinance, or in other legal manner, as the governing body of such municipality shall deem best.

Municipality bound by election for ensuing fiscal year.

Section 4. Any municipality electing to follow the all purpose levy method provided for in Section 2 of this act shall be bound by that election during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

Certification as single levy.

Section 5. In the event that it is necessary to certify such a municipal levy to county officers for collection, the same shall be certified as a single levy for general fund purposes.

Effective immediately.

Section 6. This act shall be in force and effect from and after its passage and approval.

Approved February 26, 1965.

CHAPTER 83

An Act to Amend Section 11-1024, Revised Codes of Montana, 1947, to Increase Amount of Governing Groups Participation in Group Health Plans From Not to Exceed Five Dollars ($5.00) Per Month to Not to Exceed Seven Dollars and Fifty Cents ($7.50) Per Month.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-1024, Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Group insurance for county, city, and town officers and employees —authority —approval of employees —limit on contribution.

"11-1024. **Group insurance for county, city, and town officers and employees — authority — approval of employees—limit on contribution of governmental unit.** All counties, cities, and towns are hereby authorized upon approval by a two-thirds (2/3) vote of the officers and

employees to enter into group hospitalization, medical, health, accident and/or group life insurance contracts or plans for the benefit of their officers, employees, and their dependents, and the respective governing bodies are authorized to pay as part of the officers and employees salary one-half of the total premium therefor; provided, however, that such payment shall not exceed *seven dollars and fifty cents ($7,50)* per month for each officer and employee."

Approved February 26, 1965.

CHAPTER 84

An Act to Amend Sections 87-106 and 87-148, R. C. M., 1947, Which Sections Are a Part of the Unemployment Compensation Law; by Limiting Benefit Disqualification of Retired Individuals to Those Entitled to Receive Retirement Compensation in Excess of One Hundred Dollars Per Month; by Excluding Securities Salesmen Paid Solely by Commission from the Definition of Covered Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 87-106, R. C. M., 1947, is amended to read as follows:

Disqualification for benefits.

"87-106. **Disqualification for benefits.** An individual shall be disqualified for benefits—

Left work without good cause.

(a) If he has left work without good cause attributable to the employment for a period of not less than two (2) or more than five (5) weeks (in addition to and immediately following the waiting period), as determined by the commission according to the circumstances in each case. No benefit payments or amount paid any individual after having left work without good cause attributable to the employment shall ever be charged under section 87-109 against any employer (whose employment the individual left) on account of that particular employment.

Discharged.

(b) If he has been discharged:

Misconduct.

(1) For misconduct connected with his work, or affecting his employment, for a period of not less than two

(2) nor more than nine (9) weeks (in addition to and immediately following the waiting period), as determined by the commission in each case according to the seriousness of the misconduct:

Gross misconduct.

(2) For gross misconduct connected with his work or committed on the employer's premises, as determined by the commission, for a period of twelve (12) months.

No benefit payments or amounts paid any individual after having been discharged for misconduct shall ever be charged under section 87-109 against any employer (from whose employment the individual was discharged for misconduct as above provided) on account of that particular employment.

Failure to apply for or accept suitable work.

(c) If he failed, without good cause, either to apply for available and suitable work when so directed by the employment office or the commission or to accept suitable work offered to him which he is physically able and mentally qualified to perform, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than two (2) nor more than five (5) weeks in addition to the waiting week which immediately follow such week as determined by the commission according to the circumstances in each case.

Suitable work—determination.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

Limitations.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours, or other conditions of the

work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Work stoppage—labor dispute.

(D) For any week with respect to which the commission finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commission that—

Nonparticipation—financing.

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

Not a member of participating class.

(2) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Separate departments.

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises; provided, further, that if the commission, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the state wherein the labor dispute occurs or of the United States pertaining to collective bargaining, hours, wages or other conditions of work, such labor dispute shall not render the workers ineligible for benefits.

Weekly payment—form.

(e) For any week with respect to which he is receiving or has received payment in the form of—

(1) Wages in lieu of notice or separation or termination allowance;

(2) Compensation for disability under the Workmen's Compensation Law or the Occupational Disease Law of this or any other state or under a similar law of the United States;

(3) Benefits under the Railroad Unemployment Insurance Act or any state unemployment compensation act or similar laws of any state or of the United States. This disqualification does not apply to any week with respect to which an individual is receiving or has received benefits under an unemployment compensation law of another state or of the United States, if such benefits are paid pursuant to section 87-129.

Repayment of benefits.

Receipt of any wages, compensation or benefits as set forth in subsections (1), (2), or (3) above, after payment of unemployment benefits, and with respect to the same week for which unemployment benefits were received, will thereupon require such individual to repay such unemployment benefits and the commission may collect such unemployment benefits in the same manner as provided for collection of benefits under section 87-145 (d).

School year—student regularly attending.

(f) During the school year (within the autumn, winter and spring seasons of the year) or the vacation periods within such school year or during any prescribed school term if claimant is a student regularly attending an established educational institution.

Marriage.

(g) For any week wherein claimant leaves her most recent work to be married. Such disqualification shall cancel all existing wage credits and shall continue until such time as subsequently to such week additional wage credits shall have been earned so as to be eligible for benefits under section 87-105.

Retired and entitled to receive retirement compensation.

Wage credit exclusion.

Benefit payments not charged.

(h) Where retired and entitled to receive retirement compensation *in excess of one hundred dollars ($100.00) per calendar month* paid in whole or in part from funds furnished by an employing unit, such disqualification to be applied as follows: All wages earned by such individual in the employment from which he has been retired shall not be considered or included in determining his wage credits or weekly benefit amount under section 87-103 or 87-105. *No* benefit payments or amounts paid any *retired* individual shall ever be changed under section 87-109 against any employing unit from whose em-

ployment the individual is retired *and entitled to receive retirement compensation,* on account of that particular employment, unless and until the commission shall determine (upon hearing if requested by employer, and after at least ten (10) days' written notice of such hearing to said employer) that the individual was not retired by the employer acting in good faith. This disqualification does not extend to the receipt of benefits under the Federal Social Security Act, as amended.

Hearing. Written notice.

Social security act excluded.

Pregnancy.

(i) For any week wherein claimant leaves her most recent employment during pregnancy, and due to such pregnancy, and such disqualifications shall continue through the period of pregnancy unless claimant presents evidence of her physical ability to work at such employment. At any time after the seventh month of pregnancy a claimant, to establish eligibility, must present evidence of physical ability to work at such employment. Further, at any time during the first two (2) months following childbirth, a claimant, to establish eligibility, must present evidence of her physical ability to work at such employment. In any of the cases set forth hereinbefore, such evidence of eligibility must be in the form of a certificate of a duly licensed physician that such claimant is physically able to work at her most recent employment, and such evidence must be presented as often as requested by the commission. No benefit payments or amounts paid any individual after having left work because of pregnancy or childbirth shall ever be charged under section 87-109 against the employer (whose employment the individual left because of pregnancy or because of childbirth) on account of that particular employment.

Evidence of physical ability.

Physician's certificate.

Benefit payments not charged.

Change of residence.

(j) For any week wherein claimant leaves her most recent work to change her place of residence in order to remain with her husband or relative. Such disqualification shall cancel all existing wage credits and shall continue until such time as subsequently to such week additional wage credits shall have been earned so as to be eligible for benefits under section 87-105."

Amending clause.

Section 2. Section 87-148, R. C. M., 1947, is amended to read as follows:

Definitions.

"87-148. **Definitions.** As used in this act, unless the context clearly requires otherwise:

'Annual payroll.' (a) (1) 'Annual payroll' means the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year.

'Average annual payroll.' (2) 'Average annual payroll' means the average of the annual payrolls of an employer for the last three (3) or five (5) preceding calendar years, whichever average is higher.

'Benefits.' (b) 'Benefits' means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

'Base period.' (c) 'Base period' means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

'Benefit year.' (d) 'Benefit year' with respect to any individual means, the fifty-two (52) consecutive-week period beginning with the first day of the calendar week in which such individual files a valid claim, and thereafter the fifty-two (52) consecutive-week period beginning with the first day of the calendar week in which such individual files his next valid claim after the termination of his last preceding benefit year, provided that if such filing shall result in an overlapping of benefit years the new benefit year shall begin upon the first Sunday following the expiration of his last preceding benefit year.

'Calendar quarter.' (e) 'Calendar quarter' means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

'Commission.' (f) 'Commission' means the unemployment compensation commission established by this act.

'Contributions.' (g) 'Contributions' means the money payments to the state unemployment compensation fund required by this act.

'Employing unit.' (h) 'Employing unit' means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one (1) or more individuals performing services for it within this state. All individuals performing services within

Separate establishments.

this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

Agent or employ —assist.

'Employer.' (i) 'Employer' means: (1) Any employing unit which for some portion of a day in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding calendar year, has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such day); or whose total annual payroll within either the current or the preceding calendar year, exceeds the sum of five hundred dollars ($500.00);

Acquisition of another's assets. (2) Any individual or employing unit which acquired the organization, trade or business, or substantially all of the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

Acquisition —subsequent qualification. (3) Any individual or employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act), and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit would be an employer under paragraph (1) of this subsection;

Employing unit under (1), (2) or (3), supra. (4) Any employing unit which, having become an employer under paragraph (1), (2) or (3) has not, under section 87-110, ceased to be an employer subject to this act; or

Unit electing. (5) For the effective period of its election pursuant to section 87-110 (c) any other employing unit which has elected to become fully subject to this act.

'Employment.' (j) (1) 'Employment' subject to other provisions of this subsection means service, including service in

interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

Term to include.

(2) The term 'employment' shall include an individual's entire service performed within or both within and without this state if:

(A) The service is localized in this state; or

(B) The service is not localized in any state but some of the service is performed in this state and (I) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or (II) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

Service performed outside state by a resident—election by employer.

(3) Service not covered under paragraph (2) of this subsection, and performed entirely without this state with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

Localized service —when.

(4) Service shall be deemed to be localized within a state if—

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

Service for wages is subject employment —exceptions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

'Employment' —not to include.

(6) The term 'employment' shall not include:

'Agricultural labor.'

(A) Agricultural labor; The term 'agricultural labor' includes all services performed—

(1) On a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple syrup or maple sugar or any commodity commonly known as agricultural commodities, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with

respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

'Farm.'

(5) As used in this section, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

Domestic service.

(B) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority;

Crew of vessel.

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

Employment of relations.

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

Religious, charitable, scientific, literary or educational organization.

(E) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or wildlife and anglers clubs or associations, and services performed in the employ of churches, charities, benevolent, fraternal, nonprofit societies and like associations as defined in section 15-1401, where said services are on a part-time basis and do not constitute the major portion of income to the individual performing such services, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Employ of state or political subdivisions.

(F) Service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions;

U. S., other state or political subdivisions thereof.

(G) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national

banking law shall not be entitled to exemption under this section and shall be subject to this act the same as state banks;

Exception.

Unemployment compensation service under act of Congress.

(H) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress; provided, that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner in section 87-121 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of Congress, or who have, after acquiring potential rights of unemployment compensation under such act of Congress, acquired rights to benefits under this act;

Delivery and distribution of newspapers.

(I) Services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of eighteen (18) years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution.

Real estate, securities, and insurance salesmen paid solely by commission.

(J) Services performed by real estate, *securities* and insurance salesmen paid solely by commissions and without guarantee of minimum earnings.

'Employment office.'

(k) 'Employment office' means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, or such other free public employment offices operated and maintained by the United States government or its instrumentalities, as the commission may approve.

'Fund.'

(l) 'Fund' means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

'State.'

(m) 'State,' includes, in addition to the states of the United States of America, Hawaii, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Dominion of Canada."

Effective April 1, 1965.

Section 3. This act shall be in full force and effect from and after April 1, 1965.

Approved February 26, 1965.

CHAPTER 85

An Act to Amend Section 84-202 of the Revised Codes of Montana of 1947, Relating to Exemptions From Taxation, by Defining the Term "Institutions of Purely Public Charity" to Include Organizations Owning and Operating Facilities for the Care of the Retired or Aged or Chronically Ill Which Are Not Operated for Gain or Profit; Repealing all Acts or Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 84-202 of the Revised Codes of Montana of 1947, is amended to read as follows:

Exemptions from taxation.

"84-202. **(1998) Exemptions from Taxation.** The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but no more land than is necessary for such purpose is exempt; *provided, the term 'institutions of purely public charity' as used in this act shall include organizations owning and operating facilities for the care of the retired or aged or chronically ill which are not operated for gain or profit;* provided, that the terms public art galleries and public observatories used in this act shall mean only such art galleries and observatories whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purpose of education only, and also when a clubhouse or building erected by or belonging to any

Limitation.

'Institutions of purely public charity.'

society or organization of honorably discharged United States soldiers, sailors or marines who served in army or navy of United States, is used exclusively for educational, fraternal, benevolent or purely public charitable purposes, rather than for gain or profit, together with the library and furniture necessarily used in any such building, and all property, real or personal, in the possession of legal guardians of incompetent veterans of the World War or minor dependents of such veterans, where such property is funds or derived from funds received from the United States as pension, compensation, insurance, adjusted compensation, or gratuity, shall be exempt from all taxation as property of the United States while held by the guardian, but not after title passes to the veteran or minor in his or her own right on account of removal of legal disability."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1965.

CHAPTER 86

An Act Amending Section 84-406, R. C. M. 1947, to Provide Livestock Being Fed in Feeding Pens or Enclosures May be Assessed on an Average Inventory Basis Rather Than the Fixed Assessment Date of the First Monday in March.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 84-406, R. C. M. 1947, is amended to read as follows:

Assessor must assess all property subject to taxation between first Monday of March and second Monday of July.

"84-406. (1) The assessor must, between the first Monday of March and the second Monday of July in each year, ascertain the names of all taxable inhabitants, and assess all property in his county subject to taxation, except such as is required to be assessed by the state board of equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock M. of the